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11 Attorneys for Defendant
12 INDIANAPOLIS LIFE INSURANCE COMPANY

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 MICHAEL RICUPITO, an individual; and
17 MICHAEL R. RICUPITO, DDS, MS, INC.,
18 a California corporation; MICHAEL
19 RICUPITO DDS, DEFINED BENEFIT
20 PENSION PLAN,

21 Plaintiffs,

22 vs.

23 INDIANAPOLIS LIFE INSURANCE
24 COMPANY, an Indiana corporation, and
25 DOES 1 through 100, inclusive,

26 Defendant.

27 Case No. C09-05111-CRB

28 **STIPULATION EXTENDING TIME
FOR DEFENDANT INDIANAPOLIS
LIFE INSURANCE COMPANY TO
RESPOND TO PLAINTIFFS'
COMPLAINT**

29 ///

30 ///

31 ///

1 WHEREAS on October 27, 2009 Defendant Indianapolis Life Insurance Company
2 ("ILIC") removed Plaintiffs' complaint, which was filed in California State Court, County
3 of Alameda as Case No. HG-09-472810 (the "Complaint"), to this Court;

4 WHEREAS ILIC's responsive pleading to Plaintiffs' Complaint is due on or before
5 November 2, 2009;

6 NOW THEREFORE, Plaintiffs and ILIC, by and through their counsel, stipulate to
7 extent the time for ILIC to respond to Plaintiffs' Complaint. ILIC's responsive pleading,
8 per this stipulation, shall be filed on or before November 23, 2009.

9 IT IS SO STIPULATED.

10
11 Dated: October 2, 2009

RUTAN & TUCKER, LLP

12
13 By:

14 William T. Eliopoulos
15 Kaveh Badiei
16 Attorneys for Defendant
17 INDIANAPOLIS LIFE INSURANCE
18 COMPANY

19 Dated: October 30, 2009

LAW OFFICES OF
WILLIAM F. GHIRINGHELLI

20
21 By:

22 William F. Ghiringhelli
23 Attorneys for Plaintiffs
24 MICHAEL RICUPITO, MICHAEL R.
25 RICUPITO, DDS, MS, INC. and
26 MICHAEL RICUPITO DDS, DEFINED
27 BENEFIT PENSION PLAN



1 **PROOF OF SERVICE BY MAIL**
2

3 **STATE OF CALIFORNIA, COUNTY OF SANTA CLARA**
4

5 I am employed by the law office of Rutan & Tucker, LLP in the County of Santa
6 Clara, State of California. I am over the age of 18 and not a party to the within action. My
7 business address is Five Palo Alto Square, 3000 El Camino Real, Suite 200, Palo Alto, CA
8 94306-9814.

9 On November 2, 2009, I served on the interested parties in said action the within:
10

11 **STIPULATION EXTENDING TIME FOR DEFENDANT INDIANAPOLIS
12 LIFE INSURANCE COMPANY TO RESPOND TO PLAINTIFFS'
13 COMPLAINT**

14 by placing a true copy thereof in sealed envelope(s) addressed as stated below:
15

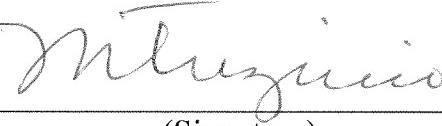
16 William. F. Ghiringhelli, Esq.
17 LAW OFFICES OF WILLIAM F. GHIRINGHELLI
18 39159 Paseo Padre Parkway, Suite 225
19 Fremont, CA 94538
20 Tel: (510) 396-3148
21 Fax: (510) 648-2902

22 In the course of my employment with Rutan & Tucker, LLP, I have, through first-
23 hand personal observation, become readily familiar with Rutan & Tucker, LLP's practice of
24 collection and processing correspondence for mailing with the United States Postal
25 Service. Under that practice I deposited such envelope(s) in an out-box for collection by
26 other personnel of Rutan & Tucker, LLP, and for ultimate posting and placement with the
27 U.S. Postal Service on that same day in the ordinary course of business. If the customary
28 business practices of Rutan & Tucker, LLP with regard to collection and processing of
29 correspondence and mailing were followed, and I am confident that they were, such
30 envelope(s) were posted and placed in the United States mail at Palo Alto, California, that
31 same date. I am aware that on motion of party served, service is presumed invalid if postal
32 cancellation date or postage meter date is more than one day after date of deposit for
33 mailing in affidavit.

34 Executed on November 2, 2009, at Palo Alto, California.
35

36 I declare under penalty of perjury that I am employed in the office of a member of
37 the bar of this Court at whose direction the service was made and that the foregoing is true
38 and correct.

39 _____
40 Maryknol Respicio
41 _____
42 (Type or print name)

43 _____
44 
45 _____
46 (Signature)